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Via Federal Express

The Honorable Victor Marrero,  
United States District Judge,  
Daniel Patrick Moynihan United States Courthouse,  
500 Pearl Street,  
New York, New York 10007.

Re: *Anwar, et al. v. Fairfield Greenwich Limited, et al.*,  
No. 09-CV-118 (VM) (FM) – Standard Chartered Cases

Dear Judge Marrero:

We write on behalf of Standard Chartered Bank International (Americas) Ltd. (“Standard Chartered”) to request that the Court enter the enclosed Stipulation and Proposed Order (the “Proposed Order”), in which plaintiffs in six actions pending before this Court as part of the above-captioned MDL proceeding (the “Stipulating Actions”) have agreed to dismiss certain of their claims based on the Court’s prior rulings in the MDL and to defer plaintiff-specific discovery in accordance with the terms of the March 2, 2012 Stipulation and Order Regarding Discovery in Specified Standard Chartered Cases (Dkt. No. 826) (the “March 2012 Stipulation”). Plaintiffs in the Stipulating Actions join in Standard Chartered’s request that the Court enter the Proposed Order.

The Stipulating Actions were filed in or transferred to this Court after the close of general fact discovery on May 4, 2012 and have not been subject to prior motion practice in these proceedings. To avoid “duplicative motion or pleading practice on matters already considered by this Court,” the Court’s Second Amended Scheduling Order Regarding Standard Chartered Cases requires the parties to apply this Court’s prior rulings to all Standard Chartered Cases, and to “confer and determine whether they can agree that such claim[s] . . . shall be dismissed pursuant to the bases set forth” in the Court’s prior rulings. (Dkt. No. 609 ¶¶ 15, 16.) The parties to the Stipulating Actions have conferred, and have agreed to the terms of the Proposed Order, which would (i) strike allegations of misrepresentation that plaintiffs made in the context of their breach of fiduciary duty claims; and (ii) strike allegations of misrepresentation that plaintiffs made in the context of their negligent misrepresentation claims concerning due

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diligence and Fairfield Sentry. Plaintiffs' remaining allegations are not affected by the terms of the Proposed Order and plaintiffs maintain their right to appeal the reasoning of the Court cited as the basis for striking the affected allegations and/or to file Amended Complaints. Standard Chartered likewise reserves its ability to argue at a later time that the remaining claims in the Stipulating Actions should be dismissed under the Court's prior orders or for other reasons.

In addition, the Proposed Order defers plaintiff-specific discovery in the Stipulating Actions in accordance with the March 2012 Stipulation until after the Court has ruled on dispositive motions, including motions for summary judgment, on a subset of the Standard Chartered Cases (the "Summary Judgment Cases"). Because the Stipulating Actions raise allegations against Standard Chartered similar or identical to those in the Summary Judgment Cases, the Court's rulings in the Summary Judgment Cases likely will clarify what, if any, plaintiff-specific issues need to be developed for trial, and the parties in the Stipulating Actions can then efficiently address those issues. The Proposed Order will not impact the coordinated discovery and pre-trial proceedings in other cases in this MDL proceeding, but instead, will likely enhance the overall efficiency of the MDL by deferring a significant amount of burdensome and potentially unnecessary plaintiff-specific discovery.

The parties to the Stipulating Actions thus respectfully request that the Court enter the Proposed Order.

Respectfully submitted,

  
Bradley P. Smith

(Enclosure)

cc: Laurence E. Curran, Esq.  
(by e-mail)

Standard Chartered Plaintiffs' Steering Committee  
(courtesy copy by e-mail)

The Clerk of Court is directed to enter into the public record  
of this action the letter above submitted to the Court by  
defendant Standard Chartered Bank (Americas).

**SO ORDERED.**

*9-18-13*  
DATE

VICTOR MARRERO. U.S.D.J.